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PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> <u>K0001-502-US</u>
INTERNATIONAL APPLICATION NO. <u>PCT/US2004/010737</u>	INTERNATIONAL FILING DATE <u>APRIL 7, 2004</u>	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <u>TBD</u>
TITLE OF INVENTION <u>N-CONTAINING HETEROAROMATIC COMPOUNDS AS MODULATORS</u>		PRIORITY DATE CLAIMED <u>APRIL 7, 2003 10/552358</u>
APPLICANT(S) FOR DO/EO/US <u>LU ET AL.</u>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li><input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li><input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li><input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> <li><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input type="checkbox"/> A preliminary amendment.</li> <li><input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li> <li><input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> </ol>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/552358

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<p>The following fees have been submitted</p> <table border="1"> <tr> <td>21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))</td> <td>.... \$300</td> <td>CALCULATIONS</td> <td>PTO USE ONLY</td> </tr> <tr> <td></td> <td>\$ 300</td> <td></td> <td></td> </tr> <tr> <td>22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))</td> <td></td> <td>\$ 200</td> <td></td> </tr> <tr> <td colspan="2">If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....</td> <td>\$ 0</td> <td></td> </tr> <tr> <td colspan="2">All other situations .....</td> <td>\$200</td> <td></td> </tr> <tr> <td colspan="2">23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....</td> <td>\$ 0</td> <td></td> </tr> <tr> <td colspan="2">Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....</td> <td>\$100</td> <td></td> </tr> <tr> <td colspan="2">International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....</td> <td>\$400</td> <td></td> </tr> <tr> <td colspan="2">All other situations .....</td> <td>\$500</td> <td></td> </tr> <tr> <td colspan="4"><b>TOTAL OF 21, 22 and 23 =</b></td> <td><b>900</b></td> </tr> <tr> <td colspan="5"> <input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.         </td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> <td></td> </tr> <tr> <td>124 - 100 =</td> <td>24 /50 =</td> <td>1</td> <td>x \$250</td> <td>\$ 250</td> </tr> <tr> <td colspan="5">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> <td>\$</td> </tr> <tr> <td>Total claims</td> <td>20 - 20 =</td> <td></td> <td>x \$ 50</td> <td>\$ 0</td> </tr> <tr> <td>Independent claims</td> <td>1 - 3 =</td> <td></td> <td>x \$200</td> <td>\$ 0</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360</td> <td>\$ 0</td> </tr> <tr> <td colspan="4"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td><b>1150</b></td> </tr> <tr> <td colspan="5"> <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.         </td> </tr> <tr> <td colspan="4"><b>SUBTOTAL =</b></td> <td><b>575</b></td> </tr> <tr> <td colspan="5">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).</td> </tr> <tr> <td colspan="4"><b>TOTAL NATIONAL FEE =</b></td> <td>\$</td> </tr> <tr> <td colspan="5">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</td> </tr> <tr> <td colspan="4"><b>TOTAL FEES ENCLOSED =</b></td> <td><b>575.00</b></td> </tr> <tr> <td colspan="4"></td> <td>Amount to be refunded:</td> </tr> <tr> <td colspan="4"></td> <td>Amount to be charged</td> </tr> </table>					21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))	.... \$300	CALCULATIONS	PTO USE ONLY		\$ 300			22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))		\$ 200		If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....		\$ 0		All other situations .....		\$200		23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....		\$ 0		Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....		\$100		International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....		\$400		All other situations .....		\$500		<b>TOTAL OF 21, 22 and 23 =</b>				<b>900</b>	<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). 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**10/552358**

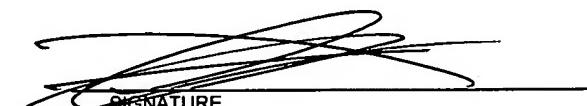
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- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 503299 in the amount of \$ 575.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 503299. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

INTERNATIONAL PATENT GROUP  
12700 HIGH BLUFF DR.  
SUITE 300  
SAN DIEGO, CA 92130

  
\_\_\_\_\_  
SIGNATURE  
THOMAS D. FOSTER  
NAME  
\_\_\_\_\_  
446810  
REGISTRATION NUMBER

**10/552358**

**JC05 Rec'd PCT/PTO 03 OCT 2005**

**UTILITY  
PATENT APPLICATION**

**on**

**N-CONTAINING HETEROAROMATIC COMPOUNDS AS MODULATORS OF PPARS  
AND METHODS OF TREATING METABOLIC DISORDERS**

**by**

**Kevin Liu, and Cunxiang Zhao**

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

**"EXPRESS MAIL" MAILING LABEL NUMBER EV 706444236 US**

**DATE OF DEPOSIT October 3, 2005**

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(Signature of person mailing paper or fee)

K0001-502-US

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Thomas D. Foster, Esq.  
AFFILIATE PARTNER  
INTERNATIONAL PATENT GROUP, LLC  
*A Professional Company*  
12760 High Bluff Drive, Suite 300  
San Diego, California 92130  
(Email) tfoster@intlpatgrp.com  
(Voice) 858.922.2170  
(Fax) 858.259.6008  
(Cell) 858.922.2170

**October 3, 2005**

**"Express Mail" Mailing Label Number: EV 706444236 US**  
**Date of Deposit: October 3, 2005**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application  
Appl. No.: To be determined  
Filed: Herewith  
Entitled: N-CONTAINING HETEROAROMATIC COMPOUNDS AS  
MODULATORS OF PPARS AND METHODS OF TREATING  
METABOLIC DISORDERS  
Inventor: Liu et al.  
Our Ref.: K0001-502-US

Sir:

The following documents are forwarded herewith for appropriate action by the United States Patent and Trademark Office:

1. One copy of published PCT application No. PCT/US2004/010737, with a total of [125] pages, with [1] title page, [94] pages of disclosure, [29] pages of claims, with [124] claims, and [1] page of abstract;
2. Preliminary Amendment No. 1 canceling claims 1-124 and adding new claims 125 through 144;
3. Transmittal Form PTO-1390 Concerning A Submission Under 35 U.S.C. §371 (in duplicate);
4. One Declaration For Patent Application/Power of Attorney;
5. A Copy of the International Search Report and Written Opinion for PCT Application No. PCT/US2004/010737 prepared by the EPO; and
6. One Return Post Card.

It is respectfully requested that the attached postcard be stamped with the filing date and unofficial application number and returned as soon as possible.

The following attorney is the attorney of record for prosecuting this application and transacting all business in the USPTO connected therewith:

Thomas D. Foster, Esquire  
Registration No. 44,686

Please send all correspondence and direct all telephone calls to:

Thomas D. Foster  
International Patent Group  
12760 High Bluff Drive  
Suite 300  
San Diego, California 92130

Phone: 858.922.2170  
Facsimile: 858.259.6008

Respectfully Submitted,  
INTERNATIONAL PATENT GROUP

  
Thomas D. Foster  
Attorney for Applicant  
Registration No. 44,686